

**FILED**

**2008 AUG 25 PM 3: 53**

**CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

BY PM DEPUTY

**UNITED STATES  
DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

**# 154427 - TC**

**August 25, 2008  
15:53:29**

**Habeas Corpus**

USAO #: 08-1037

Judge.: IRMA E GONZALEZ

Amount.:

\$5.00 OC

Check#: 196-097621

**Total--> \$5.00**

**FROM: HABEUS CORPUS**

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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 LEOVARDO SALCEDA,  
12  
13 Petitioner,  
14 v.  
15 JOHN F. SALAZAR, Warden, et al.,  
16 Respondents.

Civil No. 08-1037 IEG (PCL)

**ORDER DENYING IN FORMA  
PAUPERIS APPLICATION AND  
DISMISSING CASE WITHOUT  
PREJUDICE**

17 Petitioner, a state prisoner proceeding pro se, has not paid the \$5.00 filing fee and has  
18 filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request  
19 to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).


20 The request to proceed in forma pauperis is denied because Petitioner has not provided  
21 the Court with sufficient information to determine Petitioner's financial status. A request to  
22 proceed in forma pauperis made by a state prisoner must include a certificate from the warden  
23 or other appropriate officer showing the amount of money or securities Petitioner has on account  
24 in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to  
25 provide the Court with the required Prison Certificate.<sup>1</sup>

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28 <sup>1</sup> The Court notes that Petitioner attached to his in forma pauperis application, a request to  
withdraw \$5.00 from his prison trust account. It appears Petitioner signed the request on July 6, 2008.  
As of the date of this Order, this Court has not received the \$5.00 from the correctional facility to which  
Petitioner is confined.

1 Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and  
2 **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, **no later**  
3 **than September 8, 2008**, provide the Court with: (1) a copy of this Order together with the  
4 \$5.00 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner cannot  
5 pay the \$5.00 filing fee. *For Petitioner's convenience, the Clerk of Court shall attach an in*  
6 *forma pauperis form to this Order.*

7 **IT IS SO ORDERED.**

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9 **DATED: July 28, 2008**

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11 **IRMA E. GONZALEZ, Chief Judge**  
12 **United States District Court**  
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